

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

IN RE ST. JUDE MEDICAL, INC.,
SILZONE HEART VALVES PRODUCTS
LIABILITY LITIGATION

:
:
: MDL DOCKET NO. 1396

PRETRIAL ORDER NO. 11

The Court finds that the parties have met and conferred with regard to an Order addressing the disclosure of information concerning past and future depositions in related Silzone litigation in state courts and elsewhere. The parties having stipulated thereto, the Court orders that:

1. St. Jude Medical, Inc. and St. Jude Medical S.C., Inc. and their respective affiliates (collectively, "St. Jude Medical"), shall, to the extent they have not yet done so, promptly provide to counsel for MDL Plaintiffs, in both electronic form (ASCII or E-Transcript) and hard copy, copies of the transcripts of all depositions already taken of St. Jude Medical's past or present employees, directors, and expert witnesses in connection with any litigation or proceeding related to Silzone heart valves that is or was at any time pending in any court, agency, tribunal or alternative dispute resolution forum other than this one, together with copies of the exhibits marked at such depositions and any documents produced in conjunction with such depositions. Such copies shall be at MDL Plaintiffs' expense and upon their production, shall immediately become subject to the terms of Pretrial Order No. 5.

2. Within three (3) business days of the scheduling of the deposition of any of St. Jude Medical's past or present employees, directors, and expert witnesses in connection with any litigation or proceeding related to Silzone heart valves that is or may at any time be pending in any court, agency, tribunal or alternative dispute resolution forum other than this one (a "Related Case Deposition") (but not later than five (5) business days prior to the anticipated deposition date), St. Jude Medical shall give counsel for MDL Plaintiffs written notice of: (i) the full name and current or former title of the deponent; (ii) the date, time and place of such deposition; and (iii) whether the deponent is a current employee of St. Jude Medical, a former employee of St. Jude Medical, a current director of St. Jude Medical, a former director of St. Jude Medical, or an expert witness.

3. Counsel for MDL Plaintiffs shall be entitled, but not obligated, to send a representative to attend for monitoring purposes only any Related Case Deposition, subject to the consent of the attorney conducting such deposition, if required in the applicable jurisdiction. Any such MDL Plaintiffs' representative may enter an appearance on the record if permitted to do so in the applicable jurisdiction but shall not seek to inquire of the deponent.

4. St. Jude Medical shall cooperate with counsel for MDL Plaintiffs in arranging for counsel for MDL Plaintiffs to receive, immediately upon completion of any Related Case Deposition, in electronic form (ASCII or E-Transcript) and hard copy, copies of the transcripts of all such Related Case Depositions, together with copies of the exhibits marked at such depositions and any documents produced in conjunction with such depositions. Such copies shall be at MDL Plaintiffs' expense.

5. Nothing in this Order shall constitute or be construed as a waiver of the right of MDL Plaintiffs' to notice and take the deposition of any deponent, whether or not such deponent has already been deposed in a Related Case Deposition.

IT IS SO ORDERED:


Honorable John R. Tunheim

ENTERED: March 22, 2002